

### **REMARKS**

The application has been carefully reviewed in light of the Office Action mailed on January 8, 2008. Claims 1, 5, 10, 12, 17, 19, 23 and 24 have been amended without adding new matter. Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-3 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,240,424 (“Hirata”). Reconsideration is respectfully requested for the following reasons.

Claim 1 has been amended to further distinguish over Hirata. Amended claim 1 now recites “displaying one or more representative images in an order based on the predetermined similarity level which is determined according to a distance inside a feature vector space.” This is an important feature of the invention recited in claim 1. For example, the specification discloses that “[t]he extracted image feature is subject to a one by one similarity comparison with the image features in the image feature file 23. ... [T]he similarity is described as the distance inside the feature vector space.” Specification, page 38, lines 1-9.

The Office Action relied upon column 7, lines 7-10, and Fig. 9 of Hirata for disclosing the “displaying” step of claim 1. Please note, however, that Hirata teaches only that “the images are classified based on the similarity of the location of objects in the result images and the location of the horizontal line in the query image.” Column 7, lines 10-13; Fig. 9. To the contrary, amended claim 1 recites that the representative image(s) are displayed “in an order based on the predetermined similarity level which is determined according to a distance inside a feature vector space.”

Hirata fails to teach or suggest this claim limitation, and amended claim 1 is allowable over Hirata for at least this reason. Claims 2, 3 and 26 depend from claim 1 and contain every limitation of claim 1. Claims 2, 3 and 26 should be allowed for the same reasons as claim 1, and

also because the unique combinations recited by these dependent claims are neither taught nor suggested by Hirata.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirata in view of U.S. Publication No. 2003/0011683 (“Yamasaki”). Claim 4 depends from claim 1 and includes every limitation of claim 1. As discussed above, amended claim 1 is allowable over Hirata, and Yamasaki fails to add anything to Hirata to remedy its deficiencies with respect to claim 1. Therefore, claim 4 is allowable at least for the same reasons claim 1 is allowable. Applicant also disagrees that the references are properly combinable in the manner suggested by the Office Action.

Claims 5-7, 12-14, 19-21 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over an article titled “Recursive Space Decompositions in Force-Directed Graph Drawing Algorithms” (“Pulo”) in view of U.S. Publication No. 2003/0198384 (“Vrhel”).

Claim 5 has been amended to further distinguish over the references. Amended claim 5 recites “arranging each image included in a minimum unit of a sub-feature space ... wherein the distance between points in the feature space become shorter in correlation to increase of similarity of images.”

The Office Action admits that Pulo fails to teach or suggest this limitation, but relies on Vrhel for the shortcoming. The Office Action asserts (at p. 7) that in paragraphs [0017] and [0018], Vrhel “explicitly suggests classifying an image based on separation of points or pixels.” Applicant respectfully disagrees that Vrhel meets the above quoted limitation of claim 5. Vrhel discloses that the

selection of the number of categories into which the pixels are classified depends upon the number of distinguishable features in the image or the portion of the image or the portion of the image that is the object of the segmentation routine. ... Additional facial features that are spatially disjointed from the teeth ... can be either classified as teeth or non-teeth.

Paragraph [0017]. Vrhel only teaches that pixels are separately processed in a case where pixels are not connected or separated. Nothing in Vrhel, however, teaches or suggests anything regarding “arranging each image ... wherein the distance between points in the feature space become shorter in correlation to increase of similarity of images,” as recited in claim 5.

Thus, Vrhel and Pulo, whether taken alone or in combination, fail to teach or suggest “arranging each image included in a minimum unit of a sub-feature space ... wherein the distance between points in the feature space become shorter in correlation to increase of similarity of images.” For at least this reason, claim 5 is allowable. Claims 6, 7 and 27 depend from claim 5 and should be allowed at least based on the same reasons as for allowance of claim 5. Applicant also disagrees that the references are properly combinable in the manner suggested by the Office Action.

Independent claims 12 and 19 have been amended similar to claim 5, and are allowable over Pulo and Vrhel, whether taken alone or in combination, for similar reasons. Claims 13 and 14 depend from claim 12, and claims 20 and 21 depend from claim 19. Claims 13, 14, 20 and 21 are allowable based on the same reasons their base claims are allowable, and for other reasons.

Claims 8-9, 15-16 and 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pulo in view of Vrhel and Hirata. Claims 8 and 9 depend from claim 5; claims 15 and 16 depend from claim 12; and claims 22 and 23 depend from claim 19. As discussed above, amended claims 5, 12 and 19 are allowable over the proposed combination of Pulo and Vrhel, and Hirata adds nothing to remedy the shortcoming of Pulo and Vrhel. Claims 8-9, 15-16 and 22-23 are therefore allowable based on the reasons for allowance of their base claims, and for other reasons. Applicant also disagrees that the references are properly combinable in the manner suggested by the Office Action.

In addition, dependent claim 23 has been amended to recite “displaying one or more representative images in an order based on the predetermined similarity level which is determined according to a distance inside a feature vector space.” As discussed above with respect to claim 1,

Hirata fails to teach or suggest this limitation, and Pulo and Vrhel fail to remedy Hirata's deficiency. This is an additional reason for allowance of claim 23.

Claims 10-11, 17-18 and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pulo in view of Vrhel and U.S. Publication No. 2003/0059121 ("Savakis"). Reconsideration is respectfully requested.

Independent claims 10, 17 and 24 have been amended similar to claim 5 and, as discussed above, are allowable over the proposed combination of Pulo and Vrhel. Savakis adds nothing to remedy the deficiency of the references, and claims 10, 17 and 24 are allowable for the reasons claim 5 is allowable, as discussed above. Dependent claims 11, 18 and 25 contain all of the limitations of their base claims, and should be allowed for similar reasons. Applicant also disagrees that the references are properly combinable in the manner suggested by the Office Action.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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